

REMARKS

The Office Action dated July 10, 2006 has been received and its contents carefully noted. In response thereto, applicants propose to amend claim 7 to include the limitations of claim 1 and amend claim 1, all in an effort to place the application in condition for allowance. Reconsideration of the rejections of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

Allowable Subject Matter

Applicant appreciates the indication that claims 7 and 9 contain allowable subject matter. Claim 7 has been rewritten in independent form to include all the limitations of claims 1 and 7. Dependent claim 9 is dependent on rewritten claim 7. Accordingly, claims 7 and 9 are believed to be in condition for allowance.

Claim Rejections - 35 U.S.C. § 103

Turning now to the rejections under 35 U.S.C. § 103, claims 1-6, 13 and 14 have been rejected as being unpatentable over Barton et al. (U.S. Patent No. D406,465). Applicants respectfully disagree with this rejection for the following cogent reasons.

The present electric toothbrush invention is directed to the two oval grip members 120, 140 molded of soft elastomeric material on the rear side of the handle 80. These grip members 120, 140 have concave recesses regions 122, 142 for the thumbs of the user.

In the rejection, the Examiner has now applied Barton et al. (U.S. Patent No. D406,465) which has two spaced apart grip elements which look like saddles.

To further distinguish the present invention from the Barton et al. patent, claim 1 is proposed to be amended to specify that the oval and concave recess regions 122, 142 are concavely shaped along both their major and minor axis (see Figs. 4-6). The grips of Barton et al. patent are convexly shaped along just their minor axis so certainly does not exhibit the claimed features. Accordingly, it appears as though the Section 103 rejection based on Barton et al. should be withdrawn.

In summation, the claims are believed to be clearly distinguishable over the cited reference and all the claims recite features which are not found in the cited reference. The obviousness rejection uses a hindsight reconstruction of applicants' invention based on their own disclosure. The proposed modification of the reference still falls far short of applicants' unique invention.

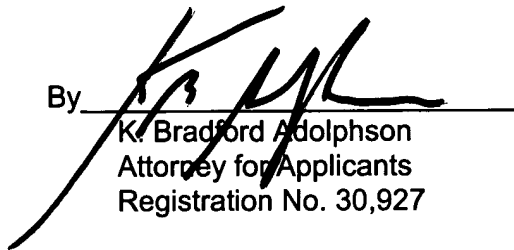
Conclusion

In view of the foregoing amendments and remarks, withdrawal of the final rejection, entry of the amendments and allowance of the application are believed to be in order, and such action is earnestly solicited. The Examiner is invited to call applicants' attorney if any questions remain following review of this response.

Respectfully submitted,

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By


K. Bradford Adolphson
Attorney for Applicants
Registration No. 30,927

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676